

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1563

IN THE MATTER OF:

Served June 1, 1976

Application of WEBB TOURS, INC., for)
Certificate of Public Convenience and)
Necessity to Perform Charter)
Operations)

Application No. 894

Application of WEBB TOURS, INC., for)
Certificate of Public Convenience and)
Necessity to Perform Special)
Operations)

Application No. 895

Consolidated Docket No. 304

By application filed May 17, 1976, Webb Tours, Inc. (Webb) seeks reconsideration of Commission Order No. 1536, served April 15, 1976, and requests that Order No. 1536 not be stayed. See Compact, Title II, Article XII, Section 16. Webb seeks reconsideration of three separate aspects of Order No. 1536. First, Webb requests that it be permitted to lease conventional equipment. Second, Webb seeks authority to shuttle persons desiring per capita sightseeing from any point in the Metropolitan District to the area in which it performs per capita sightseeing and return. Third, Webb requests authority to perform special operations limited to sightseeing and pleasure tours from and to Mount Vernon, Virginia.

By Order No. 1536, the Commission granted Webb authority to perform charter operations limited to round-trip sightseeing or pleasure tours, over irregular routes, between points within the Metropolitan District, restricted to the performance of such operations in British manufactured double-deck buses. The Commission also granted Webb authority to perform special operations limited to sightseeing or pleasure tours, over irregular routes, between points located within the District of Columbia, the City of Alexandria, Virginia, and Arlington County, Virginia, restricted to the performance of such operations in British manufactured double-deck buses. Webb's application for reconsideration seeks to modify the vehicle restriction, the area served by per capita sightseeing, and the type of special operations conducted.

With respect to the vehicle restriction, Webb seeks two modifications. The primary request is applicable to both charter operations and special operations. Webb seeks to be permitted to lease conventional equipment whenever mechanical failures or other causes prevent the operation of a British manufactured double-deck bus in either operation. The secondary request is applicable only to charter operations. Webb seeks to be permitted to lease

conventional equipment whenever it may have the opportunity to contract with a group too large to be served by the British manufactured double-deck buses and the group desires, in large part, to use British manufactured double-deck buses. Each request relates only to the leasing of conventional equipment and not to the purchase of conventional equipment. The Commission shall grant the primary request and deny the secondary request.

The record supports a finding that the public convenience and necessity would be served by the use of leased conventional equipment when the British manufactured double-deck bus is inoperative. There is not available within the Metropolitan District a source which could readily lease to Webb a British manufactured double-deck bus. However, the Commission shall require that Webb provide in its tariff that an individual may demand a refund of the per capita ticket, a charter group may cancel the chartering agreement without penalty, and a full refund of any monies paid in advance for either service will be made when the British manufactured double-deck bus is inoperative. Webb will be directed to notify the Commission, in writing, within five (5) days, that it has leased conventional equipment, including a statement indicating the service, date leased, and reason the British manufactured double-deck bus was inoperative.

The record does not support a finding that the public convenience and necessity would be served by the use of leased conventional equipment together with a British manufactured double-deck bus to provide charter operations. Webb currently owns and operates two British manufactured double-deck buses which could be used to serve the needs of large chartering parties. Moreover, the record clearly sets forth only a demand for charter service in the British manufactured double-deck bus.

With respect to the area served by per capita sightseeing, Webb seeks to serve Mount Vernon, a point in Fairfax County, Virginia. Webb submits that the public has shown a demand for at least a one-way motor coach tour to Mount Vernon. The record does not contain any basis for finding that there is a demand for sightseeing service to and from Mount Vernon. Webb did not hold temporary authority to serve that point and no evidence has been proffered concerning such service. Accordingly, the Commission shall re-open the record in this proceeding and schedule a public hearing for the purpose of receiving evidence concerning the public need and convenience with respect to per capita sightseeing service to and from Mount Vernon.

With respect to the type of special operations conducted, Webb seeks authority to transport patrons of its per capita sightseeing service from points within the Metropolitan District to the area served by its per capita sightseeing service, and return. Webb proposes to perform this shuttle operation in conventional van-type equipment. Webb states that use of conventional vehicles would be more economical and efficient than use of the British manufactured double-deck bus. Webb would not charge any additional amount for this shuttle service.

The record supports a finding that the public convenience and necessity would be served by the provision of the proposed shuttle service. Webb has submitted a statement indicating that it has the financial resources necessary to obtain the van required for this purpose. The proposed service would be rendered by Webb. The Commission shall grant this request subject to a reasonable term and a reasonable condition. See Compact, Title II, Article XII, Section 4(b). The special operations authority will be limited to patrons of Webb's per capita sightseeing service and the vehicle to be used will be restricted to a 15-passenger van.

The Compact, Title II, Article XII, Section 16, mandates that, if the application for reconsideration is granted, the Commission, after filing notice thereof to all interested persons, may rescind, modify, or affirm the prior order or decision with or without hearing. The Commission has decided to modify and affirm portions of Order No. 1536. With respect to the modification, the Commission shall direct that they be effective July 1, 1976. Thereby, reasonable notice will be given to any interested person.

THEREFORE, IT IS ORDERED:

1. That the application for reconsideration of Order No. 1536, served April 15, 1976, filed by Webb Tours, Inc., be, and it is hereby, granted.

2. That the restrictions set forth in Certificate of Public Convenience and Necessity No. 33 be, and they are hereby, modified effective July 1, 1976, to provide with respect to both charter operations and special operations as follows:

RESTRICTED to the performance of such operations in British manufactured double-deck buses; provided, however, that performance of such operations may be in leased conventional vehicles when the British manufactured double-deck bus is inoperative.

3. That Webb Tours, Inc., be, and it is hereby, directed to file, within five (5) days of the leasing of conventional equipment, with the Commission a written statement setting forth the date and service for which the conventional vehicle was leased and the reason such conventional vehicle was leased.

4. That Consolidated Docket No. 304 be, and it is hereby, re-opened.

5. That Application No. 895 of Webb Tours, Inc., for certificate of public convenience and necessity to perform special operations be, and it is hereby, scheduled for further public hearing to commence Monday, June 14, 1976, at 2:00 P. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C., for the limited purpose of receiving evidence concerning special operations to and from Mount Vernon, Virginia.

6. That Webb Tours, Inc., be, and it is hereby, directed to post in each of its vehicles a notice in the form prescribed by the staff of the Commission of such further public hearing no later than Friday, June 4, 1976, and present at the hearing a certification of posting.

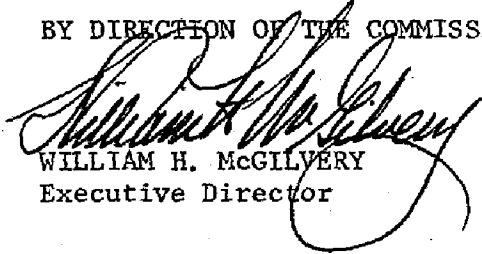
7. That Certificate of Public Convenience and Necessity No. 33 be, and it is hereby, modified effective July 1, 1976, to provide as follows:

SPECIAL OPERATIONS: limited to shuttle service for patrons of sightseeing or pleasure tours, as an incidence thereto, and not to include any sightseeing, from points in the Metropolitan District to join such sightseeing or pleasure tours as authorized herein, and return.

RESTRICTED to the performance of such operations in vehicles with a manufacturer's designed maximum seating capacity of not more than 15 passengers excluding the driver.

8. That Webb Tours, Inc., be, and it is hereby, directed to file two copies of Supplement No. 1 to WMATC Tariff No. 1 to be effective July 1, 1976, subject to acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director